

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 95**

**Senators Hughes, Cates**

**Cosponsors: Senators Goodman, Miller, D., Miller, R., Schuring, Turner**

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**A B I L L**

To amend sections 955.02, 955.10, 955.12, 955.20, 1  
955.26, and 1901.183 and to enact sections 956.01, 2  
956.011, 956.02 to 956.08, 956.081, 956.09 to 3  
956.20, 956.98, and 956.99 of the Revised Code to 4  
establish licensing requirements and standards of 5  
care for certain dog breeding kennels, dog 6  
intermediaries, and animal rescues for dogs. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 955.02, 955.10, 955.12, 955.20, 8  
955.26, and 1901.183 be amended and sections 956.01, 956.011, 9  
956.02, 956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.081, 10  
956.09, 956.10, 956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 11  
956.17, 956.18, 956.19, 956.20, 956.98, and 956.99 of the Revised 12  
Code be enacted to read as follows: 13

**Sec. 955.02.** A As used in this chapter, "dog kennel" or 14  
"kennel owner is a person, partnership, firm, company, or 15  
corporation professionally engaged in the business " means an 16  
establishment that keeps, houses, and maintains adult dogs, as 17  
defined in section 956.01 of the Revised Code, for the purpose of 18  
breeding the dogs for hunting or for a fee or other consideration 19

received through a sale, exchange, or lease and that is not a 20  
regulated dog breeding kennel licensed under Chapter 956. of the 21  
Revised Code. 22

**Sec. 955.10.** No owner of a dog, except a dog constantly 23  
confined to a ~~registered dog~~ registered under this chapter 24  
or a regulated dog breeding kennel licensed under Chapter 956. of 25  
the Revised Code, shall fail to require the dog to wear, at all 26  
times, a valid tag issued in connection with a certificate of 27  
registration. A ~~dog's failure~~ dog found not wearing at any time ~~to~~ 28  
~~wear~~ a valid tag shall be prima-facie evidence of lack of 29  
registration and shall subject any dog found not wearing such a 30  
tag to impounding, sale, or destruction. 31

**Sec. 955.12.** The board of county commissioners shall appoint 32  
or employ a county dog warden and deputies in such number, for 33  
such periods of time, and at such compensation as the board 34  
considers necessary to enforce sections 955.01 to 955.27, 955.29 35  
to 955.38, and 955.50 to 955.53 of the Revised Code. 36

The warden and deputies shall give bond in a sum not less 37  
than five hundred dollars and not more than two thousand dollars, 38  
as set by the board, conditioned for the faithful performance of 39  
their duties. The bond or bonds may, in the discretion of the 40  
board, be individual or blanket bonds. The bonds shall be filed 41  
with the county auditor of their respective counties. 42

The warden and deputies shall make a record of all dogs 43  
owned, kept, and harbored in their respective counties. They shall 44  
patrol their respective counties and seize and impound on sight 45  
all dogs found running at large and all dogs more than three 46  
months of age found not wearing a valid registration tag, except 47  
any dog that wears a valid registration tag and is: on the 48  
premises of its owner, keeper, or harborer, under the reasonable 49

control of its owner or some other person, hunting with its owner 50  
or its handler at a field trial, kept constantly confined in a 51  
~~registered~~ dog kennel registered under this chapter or a regulated 52  
dog breeding kennel licensed under Chapter 956. of the Revised 53  
Code, or acquired by, and confined on the premises of, an 54  
institution or organization of the type described in section 55  
955.16 of the Revised Code. A dog that wears a valid registration 56  
tag may be seized on the premises of its owner, keeper, or 57  
harborer and impounded only in the event of a natural disaster. 58

If a dog warden has reason to believe that a dog is being 59  
treated inhumanely on the premises of its owner, keeper, or 60  
harborer, the warden shall apply to the court of common pleas for 61  
the county in which the premises are located for an order to enter 62  
the premises, and if necessary, seize the dog. If the court finds 63  
probable cause to believe that the dog is being treated 64  
inhumanely, it shall issue such an order. 65

The warden and deputies shall also investigate all claims for 66  
damages to animals reported to them under section 955.29 of the 67  
Revised Code and assist claimants to fill out the claim form 68  
therefor. They shall make weekly reports, in writing, to the board 69  
in their respective counties of all dogs seized, impounded, 70  
redeemed, and destroyed and of all claims for damage to animals 71  
inflicted by dogs. 72

The wardens and deputies shall have the same police powers as 73  
are conferred upon sheriffs and police officers in the performance 74  
of their duties as prescribed by sections 955.01 to 955.27, 955.29 75  
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 76  
also have power to summon the assistance of bystanders in 77  
performing their duties and may serve writs and other legal 78  
processes issued by any court in their respective counties with 79  
reference to enforcing those sections. County auditors may 80  
deputize the wardens or deputies to issue dog licenses as provided 81

in sections 955.01 and 955.14 of the Revised Code. 82

Whenever any person files an affidavit in a court of 83  
competent jurisdiction that there is a dog running at large that 84  
is not kept constantly confined either in a ~~registered~~ dog kennel 85  
registered under this chapter or a regulated dog breeding kennel 86  
licensed under Chapter 956. of the Revised Code or on the premises 87  
of an institution or organization of the type described in section 88  
955.16 of the Revised Code or that a dog is kept or harbored in 89  
the warden's jurisdiction without being registered as required by 90  
law, the court shall immediately order the warden to seize and 91  
impound the dog. Thereupon the warden shall immediately seize and 92  
impound the dog complained of. The warden shall give immediate 93  
notice by certified mail to the owner, keeper, or harborer of the 94  
dog seized and impounded by the warden, if the owner, keeper, or 95  
harborer can be determined from the current year's registration 96  
list maintained by the warden and the county auditor of the county 97  
where the dog is registered, that the dog has been impounded and 98  
that, unless the dog is redeemed within fourteen days of the date 99  
of the notice, it may thereafter be sold or destroyed according to 100  
law. If the owner, keeper, or harborer cannot be determined from 101  
the current year's registration list maintained by the warden and 102  
the county auditor of the county where the dog is registered, the 103  
officer shall post a notice in the pound or animal shelter both 104  
describing the dog and place where seized and advising the unknown 105  
owner that, unless the dog is redeemed within three days, it may 106  
thereafter be sold or destroyed according to law. 107

As used in this section, "animal" has the same meaning as in 109  
section 955.51 of the Revised Code. 110

**Sec. 955.20.** The registration fees provided for in sections 111  
955.01 to 955.14 of the Revised Code and money transferred to the 112

county under section 956.07 of the Revised Code constitute a 113  
special fund known as "the dog and kennel fund." The fees shall be 114  
deposited by the county auditor in the county treasury daily as 115  
collected ~~and~~. Money in the fund shall be used for the purpose of 116  
defraying the cost of furnishing all blanks, records, tags, nets, 117  
and other equipment, for the purpose of paying the compensation of 118  
county dog wardens, deputies, poundkeepers, and other employees 119  
necessary to carry out and enforce sections 955.01 to 955.261 of 120  
the Revised Code, and for the payment of animal claims as provided 121  
in sections 955.29 to 955.38 of the Revised Code, and in 122  
accordance with section 955.27 of the Revised Code. The board of 123  
county commissioners, by resolution, shall appropriate sufficient 124  
funds out of the dog and kennel fund, not more than fifteen per 125  
cent of which shall be expended by the auditor for registration 126  
tags, blanks, records, and clerk hire, for the purpose of 127  
defraying the necessary expenses of registering, seizing, 128  
impounding, and destroying dogs in accordance with sections 955.01 129  
to 955.27 of the Revised Code, and for the purpose of covering any 130  
additional expenses incurred by the county auditor as authorized 131  
by division (F)(3) of section 955.14 of the Revised Code. 132

If the funds so appropriated in any calendar year are found 133  
by the board to be insufficient to defray the necessary cost and 134  
expense of the county dog warden in enforcing sections 955.01 to 135  
955.27 of the Revised Code, the board, by resolution so provided, 136  
after setting aside a sum equal to the total amount of animal 137  
claims ~~paid or~~ filed in that calendar year, or an amount equal to 138  
the total amount of animal claims paid or allowed the preceding 139  
year, whichever amount is larger, may appropriate further funds 140  
for the use and purpose of the county dog warden in administering 141  
those sections. 142

Money received by a county under section 956.07 of the 143  
Revised Code is subject to audit by the auditor of state. 144

Sec. 955.26. Whenever, in the judgment of the director of 145  
health, any city or general health district board of health, or 146  
persons performing the duties of a board of health, rabies is 147  
prevalent, the director of health, the board, or those persons 148  
shall declare a quarantine of all dogs in the health district or 149  
in a part of it. During the quarantine, the owner, keeper, or 150  
harborer of any dog shall keep it confined on the premises of the 151  
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~ kennel, or 152  
other suitable place, at the expense of the owner, keeper, or 153  
harborer, except that a dog may be permitted to leave the premises 154  
of its owner, keeper, or harborer if it is under leash or under 155  
the control of a responsible person. The quarantine order shall be 156  
considered an emergency and need not be published. 157

When the quarantine has been declared, the director of 158  
health, the board, or those persons may require vaccination for 159  
rabies of all dogs within the health district or part of it. Proof 160  
of rabies vaccination within a satisfactory period shall be 161  
demonstrated to the county auditor before any registration is 162  
issued under section 955.01 of the Revised Code for any dog that 163  
is required to be vaccinated. 164

The public health council shall determine appropriate methods 165  
of rabies vaccination and satisfactory periods for purposes of 166  
quarantines under this section. 167

When a quarantine of dogs has been declared in any health 168  
district or part of a health district, the county dog warden and 169  
all other persons having the authority of police officers shall 170  
assist the health authorities in enforcing the quarantine order. 171  
When rabies vaccination has been declared compulsory in any health 172  
district or part of a health district, the dog warden shall assist 173  
the health authorities in enforcing the vaccination order. 174

Notwithstanding ~~the provisions of~~ this section, a city or 175

general health district board of health may make orders pursuant 176  
to sections 3709.20 and 3709.21 of the Revised Code requiring the 177  
vaccination of dogs. 178

Sec. 956.01. As used in this chapter: 179

(A) "Adult dog" means a dog that is twelve months of age or 180  
older. 181

(B) "Animal rescue for dogs" means an individual or 182  
organization recognized by the director of the kennel control 183  
authority that keeps, houses, and maintains dogs and that is 184  
dedicated to the welfare, health, safety, and protection of dogs, 185  
provided that the individual or organization does not operate for 186  
profit, does not sell dogs for a profit, does not breed dogs, and 187  
does not purchase more than nine dogs in any given calendar year 188  
unless the dogs are purchased from a dog warden appointed under 189  
Chapter 955. of the Revised Code, a humane society established 190  
under Chapter 1717. of the Revised Code, or another animal rescue 191  
for dogs. "Animal rescue for dogs" includes an individual or 192  
organization that offers dogs for adoption and charges reasonable 193  
adoption fees approved by the director of the authority under this 194  
chapter to cover the costs of the individual or organization, 195  
including, but not limited to, costs related to spaying or 196  
neutering dogs. 197

(C) "Animal shelter for dogs" means a facility that keeps, 198  
houses, and maintains dogs and that is operated by a humane 199  
society established under Chapter 1717. of the Revised Code, 200  
animal welfare society, society for the prevention of cruelty to 201  
animals, or other nonprofit organization that is devoted to the 202  
welfare, protection, and humane treatment of dogs and other 203  
animals. 204

(D) "Boarding kennel" means an establishment operating for 205  
profit that keeps, houses, and maintains dogs solely for the 206

purpose of providing shelter, care, and feeding of the dogs in 207  
return for a fee or other consideration. 208

(E) "Breeding dog" means an unneutered, unspayed dog that is 209  
primarily harbored or housed on property that is the dog's primary 210  
residence. 211

(F) "Regulated dog breeding kennel" means an establishment 212  
that keeps, houses, and maintains adult breeding dogs that produce 213  
either at least nine litters of puppies or at least forty puppies 214  
in any given calendar year and, in return for a fee or other 215  
consideration, sells, exchanges, or leases adult dogs or puppies. 216

(G) "Regulated dog intermediary" means a person who buys, 217  
sells, offers to sell, donates, gives, or exchanges more than nine 218  
dogs annually in this state or who sells or gives one or more dogs 219  
to a pet store annually. "Regulated dog intermediary" does not 220  
include an animal rescue for dogs, an animal shelter for dogs, a 221  
humane society established under Chapter 1717. of the Revised 222  
Code, a medical kennel for dogs, a research kennel for dogs, or a 223  
veterinarian. 224

(H) "Enclosure, crate, or cage" does not include an 225  
enclosure, crate, or cage that is used during the transportation 226  
of a dog or used for medical purposes. 227

(I) "Environmental division of the Franklin county municipal 228  
court" means the environmental division of the Franklin county 229  
municipal court created in section 1901.011 of the Revised Code. 230

(J) "Medical kennel for dogs" means a facility that is 231  
maintained by a veterinarian and operated primarily for the 232  
treatment of sick or injured dogs. 233

(K) "Pet store" means a retail store that sells dogs to the 234  
public. 235

(L) "Puppy" means a dog that is under twelve months of age. 236

(M) "Research kennel for dogs" means a facility housing dogs 237  
that is maintained exclusively for research purposes. 238

(N) "Veterinarian" means a veterinarian licensed under 239  
Chapter 4741. of the Revised Code. 240

**Sec. 956.011.** Medical kennels for dogs, research kennels for 241  
dogs, and veterinarians are not required to obtain a license under 242  
this chapter or comply with any other requirements of this chapter 243  
and rules adopted under it. 244

**Sec. 956.02.** There is hereby created the kennel control 245  
authority for the purpose of administering this chapter and rules 246  
adopted under it by the director of the authority and ensuring the 247  
welfare and humane treatment of dogs and their offspring in 248  
accordance with this chapter and rules adopted under it. The 249  
kennel control authority board created in section 956.18 of the 250  
Revised Code shall designate a suitable individual as director of 251  
the authority, who shall serve at the board's pleasure. 252

The director may contract with any political subdivision of 254  
the state to assist the director and the director's authorized 255  
representatives in administering and enforcing this chapter and 256  
the rules adopted under it. 257

**Sec. 956.03.** The director of the kennel control authority 258  
shall adopt rules in accordance with Chapter 119. of the Revised 259  
Code establishing all of the following: 260

(A) Requirements and procedures governing regulated dog 261  
breeding kennels, including the licensing and inspection of and 262  
record keeping by regulated dog breeding kennels, in addition to 263  
the requirements and procedures established in this chapter. The 264  
rules shall require that a regulated dog breeding kennel be 265

assigned a license number and that a regulated dog breeding kennel 266  
provide the license number and the applicable vendor number 267  
assigned by the department of taxation whenever it solicits 268  
business or it is solicited for business. In addition, the rules 269  
shall require any other person to provide such a vendor number 270  
when soliciting to sell an adult dog or a puppy or when solicited 271  
for such a sale. 272

(B) Requirements and procedures for conducting background 273  
investigations of each applicant for a license issued under 274  
section 956.04 of the Revised Code in order to determine if the 275  
applicant has been convicted of or pleaded guilty to any of the 276  
violations specified in division (H) of that section. The rules 277  
shall provide that background investigations shall be conducted 278  
solely by the attorney general on behalf of the kennel control 279  
authority. The rules shall establish procedures for annually 280  
updating background investigation information regarding an 281  
applicant after an initial background investigation has been 282  
conducted with respect to an initial application for a license 283  
submitted under that section. 284

(C) Requirements and procedures governing regulated dog 285  
intermediaries, including the licensing of and record keeping by 286  
regulated dog intermediaries, in addition to the requirements and 287  
procedures established in this chapter. The rules shall require 288  
that a regulated dog intermediary be assigned a license number and 289  
that a regulated dog intermediary provide the license number and 290  
the applicable vendor number assigned by the department of 291  
taxation whenever it solicits business or it is solicited for 292  
business. 293

(D) Requirements and procedures governing animal rescues for 294  
dogs, including the licensing and inspection of and record keeping 295  
by animal rescues for dogs, in addition to the requirements and 296  
procedures established in this chapter; 297

(E) The form of applications for licenses issued under this chapter and the information that is required to be submitted in the applications. The rules shall require an animal rescue for dogs to provide in an application for a license the name and address of each foster home that it utilizes. 298  
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(F) A requirement that each regulated dog breeding kennel submit to the director, with an application for a regulated dog breeding kennel license, evidence of insurance or, in the alternative, evidence of a surety bond payable to the authority to ensure compliance with this chapter and rules adopted under it. The face value of the insurance coverage or bond shall be in the following amounts: 303  
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(1) Five thousand dollars for regulated dog breeding kennels keeping, housing, and maintaining not more than twenty-five adult dogs; 310  
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(2) Ten thousand dollars for regulated dog breeding kennels keeping, housing, and maintaining at least twenty-six adult dogs, but not more than fifty adult dogs; 313  
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(3) Fifty thousand dollars for regulated dog breeding kennels keeping, housing, and maintaining more than fifty adult dogs. 316  
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The rules shall require that the insurance be payable to the state or that the surety bond be subject to redemption by the state, as applicable, upon a suspension or revocation of a regulated dog breeding kennel license for the purpose of paying for the maintenance and care of dogs that are seized or otherwise impounded from the regulated dog breeding kennel in accordance with this chapter. 318  
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(G) Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections; 325  
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(H) Requirements and procedures that are necessary to 329  
implement and enforce the requirements pertaining to pet stores 330  
that are established in section 956.19 of the Revised Code; 331

(I)(1) A requirement that an in-state retailer or direct 332  
seller of a puppy or adult dog provide to the purchaser the 333  
complete name, address, and telephone number of all regulated dog 334  
breeding kennels, regulated dog intermediaries, and private owners 335  
that kept, housed, or maintained the puppy or adult dog prior to 336  
its coming into the possession of the retailer or direct seller, 337  
or proof that the puppy or adult dog was acquired through an 338  
animal rescue for dogs, animal shelter for dogs, or humane society 339  
established under Chapter 1717. of the Revised Code, or a valid 340  
health certificate from the state of origin pertaining to the 341  
puppy or adult dog; 342

(2) A requirement that an out-of-state retailer or direct 343  
seller of a puppy or adult dog that is conducting business in this 344  
state provide to the purchaser a valid health certificate from the 345  
state of origin pertaining to the puppy or adult dog and the 346  
complete name, address, and telephone number of all dog breeding 347  
kennels, sellers, and private owners that kept, housed, or 348  
maintained the puppy or adult dog prior to its coming into the 349  
possession of the retailer or direct seller or proof that the 350  
puppy or adult dog was acquired through an animal rescue for dogs, 351  
animal shelter for dogs, or humane society in this state or 352  
another state. 353

(J) A requirement that a person who advertises the sale of a 354  
puppy or adult dog include with the advertisement the person's 355  
vendor number assigned by the tax commissioner if the sale of the 356  
puppy or dog is subject to the tax levied under Chapter 5739. of 357  
the Revised Code; 358

(K) Requirements and procedures governing the registration of 359  
litters under section 956.20 of the Revised Code; 360

(L) A requirement that a licensed regulated dog breeding kennel and a licensed regulated dog intermediary comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of this division. 361  
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(M) Any other requirements and procedures that are determined by the commission to be necessary for the administration and enforcement of this chapter and rules adopted under it. 367  
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**Sec. 956.04.** (A)(1) No person shall operate a regulated dog breeding kennel in this state without a regulated dog breeding kennel license issued by the director of the kennel control authority in accordance with this section and rules adopted under section 956.03 of the Revised Code. 370  
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(2) The director shall not issue a license under this section unless the director determines that the applicant will operate or will continue to operate the regulated dog breeding kennel in accordance with this chapter and rules adopted under it. 375  
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(B) In determining whether an establishment is a regulated dog breeding kennel requiring a license under this chapter, the director shall determine if, in any given year, the establishment is a regulated dog breeding kennel as defined in section 956.01 of the Revised Code. All facilities that are located at an individual postal address shall be licensed as one regulated dog breeding kennel. Not more than one license shall be issued under this section for any given postal address. 380  
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(C) A person who is proposing to operate a new regulated dog breeding kennel, at least ninety days prior to the operation of the regulated dog breeding kennel, shall submit an application for a license to the director. The application shall be submitted in 388  
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the form and with the information required by rules adopted under 392  
section 956.03 of the Revised Code and shall include with it at 393  
least all of the following: 394

(1) An affidavit signed under oath or solemn affirmation of 395  
the number of adult dogs that are kept, housed, and maintained by 396  
the applicant at the location that is the subject of the 397  
application; 398

(2) An estimate of the number of puppies to be kept, housed, 399  
and maintained and of the number of litters of puppies or total 400  
number of puppies to be produced during the annual term of the 401  
license; 402

(3) Photographic evidence documenting the facilities where 403  
dogs will be kept, housed, and maintained by the applicant. The 404  
kennel control authority may conduct an inspection of the 405  
facilities that are the subject of an application in addition to 406  
reviewing photographic evidence submitted by an applicant for a 407  
license. 408

(4) A signed release permitting the performance of a 409  
background investigation regarding the applicant in accordance 410  
with rules adopted under section 956.03 of the Revised Code; 411

(5) The names and addresses and any other identifying 412  
information required by rules adopted under section 956.03 of the 413  
Revised Code of all persons who will have custody of or control 414  
over dogs kept by the applicant. 415

(D) During the month of December, but before the first day of 416  
January of the next year, a person who is proposing to continue 417  
the operation of a regulated dog breeding kennel shall obtain a 418  
license for the regulated dog breeding kennel from the director 419  
for the following year. The person shall submit the application to 420  
the director on or before the last day of November of the year 421  
preceding the year for which the license is sought. 422

(E) The owner or operator of a regulated dog breeding kennel that is in operation on the effective date of this section shall submit to the director an application for a regulated dog breeding kennel license not later than three months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application. 423  
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(F) A person who has received a license under this section, upon sale or other disposition of the regulated dog breeding kennel, may have the license transferred to another person with the consent of the director, provided that the transferee otherwise qualifies to be licensed as a regulated dog breeding kennel under this chapter and rules adopted under it and does not have a certified unpaid debt to the state. 430  
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(G) An applicant for a license issued under this section shall demonstrate that the regulated dog breeding kennel that is the subject of the application complies with the standards of care and other standards established under this chapter. 437  
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(H) No person shall be licensed as or operate a regulated dog breeding kennel who has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government. 441  
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**Sec. 956.05.** (A)(1) No person shall act as or perform the functions of a regulated dog intermediary in this state without a regulated dog intermediary license issued by the director of the kennel control authority in accordance with this section and rules 450  
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adopted under section 956.03 of the Revised Code. 454

(2) The director shall not issue a license under this section 455  
unless the director determines that the applicant will act as or 456  
perform the functions of a regulated dog intermediary in 457  
accordance with this chapter and rules adopted under it. 458

(B) A person who is proposing to act as or perform the 459  
functions of a regulated dog intermediary shall submit an 460  
application for a license to the director. During the month of 461  
December, but before the first day of January of the next year, a 462  
person who is proposing to continue to act as or perform the 463  
functions of a regulated dog intermediary shall obtain a license 464  
from the director for the following year. The person shall submit 465  
the application to the director on or before the last day of 466  
November of the year preceding the year for which the license is 467  
sought. 468

(C) A person who is acting as or performing the functions of 469  
a regulated dog intermediary on the effective date of this section 470  
shall submit to the director an application for a regulated dog 471  
intermediary license not later than three months after the 472  
effective date of this section. The director shall issue or deny 473  
the application for a license within ninety days after the receipt 474  
of the completed application. 475

(D) No person shall be licensed as or act as or perform the 476  
functions of a regulated dog intermediary who has been convicted 477  
of or pleaded guilty to violating section 959.01, 959.02, 959.03, 478  
959.13, 959.131, 959.15, or 959.16 of the Revised Code or an 479  
equivalent municipal ordinance, law of another state, or law of 480  
the federal government or has been convicted of or pleaded guilty 481  
to violating more than once section 2919.25 of the Revised Code or 482  
an equivalent municipal ordinance, law of another state, or law of 483  
the federal government. 484

Sec. 956.06. (A) No person shall operate an animal rescue for 485  
dogs without a license to do so issued by the director of the 486  
kennel control authority in accordance with rules adopted under 487  
section 956.03 of the Revised Code. No license application fee 488  
shall be charged to an animal rescue for dogs. The director shall 489  
maintain a database of all persons that are licensed to operate an 490  
animal rescue for dogs in this state. 491

(B) No person shall be licensed as or operate an animal 492  
rescue for dogs who has been convicted of or pleaded guilty to 493  
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 494  
or 959.16 of the Revised Code or an equivalent municipal 495  
ordinance, law of another state, or law of the federal government 496  
or has been convicted of or pleaded guilty to violating more than 497  
once section 2919.25 of the Revised Code or an equivalent 498  
municipal ordinance, law of another state, or law of the federal 499  
government. 500

Sec. 956.07. (A) A person who is applying for a license to 501  
operate a regulated dog breeding kennel or to act as or perform 502  
the functions of a regulated dog intermediary under section 956.04 503  
or 956.05 of the Revised Code, as applicable, shall include with 504  
the application for a license a nonrefundable license application 505  
fee as follows: 506

(1) For a regulated dog breeding kennel: 507

(a) One hundred fifty dollars if breeding dogs at the 508  
regulated dog breeding kennel annually produce at least nine, but 509  
not more than fifteen litters or, if fewer than nine litters are 510  
produced, at least forty puppies are produced in a calendar year 511  
at the kennel; 512

(b) Two hundred fifty dollars if breeding dogs at the 513  
regulated dog breeding kennel annually produce at least sixteen, 514

but not more than twenty-five litters; 515

(c) Three hundred fifty dollars if breeding dogs at the 516  
regulated dog breeding kennel annually produce at least 517  
twenty-six, but not more than thirty-five litters; 518

(d) Five hundred dollars if breeding dogs at the regulated 519  
dog breeding kennel annually produce at least thirty-six, but not 520  
more than forty-five litters; 521

(e) Seven hundred fifty dollars if breeding dogs at the 522  
regulated dog breeding kennel annually produce forty-six or more 523  
litters. 524

(2) For a regulated dog intermediary, five hundred dollars. 525

(B) The owner of a boarding kennel shall register the 526  
boarding kennel with the director of the kennel control authority 527  
by paying an annual fee of fifty dollars. 528

(C) Money collected by the director from application and 529  
registration fees submitted under this section shall be 530  
transmitted by the director to the treasurer of state to be 531  
credited to the regulated dog breeding kennel control license fund 532  
created in section 956.17 of the Revised Code. However, the 533  
treasurer of state shall transfer to the county in which a 534  
regulated dog breeding kennel is or will be located fifty dollars 535  
of the application fee received from the person who is applying 536  
for a license to operate the regulated dog breeding kennel or an 537  
amount equal to the fee charged on January 1, 2009, by the county 538  
for the registration of a kennel under section 955.04 of the 539  
Revised Code, whichever is greater. The county auditor shall 540  
deposit the money in the county's dog and kennel fund created in 541  
accordance with section 955.20 of the Revised Code. 542

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Sec. 956.08. No person operating a regulated dog breeding 544

kennel or acting as or performing the functions of a regulated dog 545  
intermediary shall do any of the following: 546

(A) Fail to keep or confine a dog in accordance with one of 547  
the following: 548

(1) In an indoor enclosure with an attached outdoor enclosure 549  
that is accessible to the dog, provided that not more than three 550  
dogs are kept or confined in the indoor or outdoor enclosure at 551  
any one time. For dogs that weigh less than twenty pounds, the 552  
indoor enclosure shall be at least four feet by four feet with an 553  
attached outdoor enclosure of at least four feet by eight feet. 554  
For dogs that weigh at least twenty pounds, but less than 555  
fifty-one pounds, the indoor enclosure shall be at least four feet 556  
by six feet with an attached outdoor enclosure of at least four 557  
feet by twelve feet. For dogs that weigh fifty-one pounds or more, 558  
the indoor enclosure shall be at least four feet by eight feet 559  
with an attached outdoor enclosure of at least four feet by 560  
sixteen feet. 561

(2) In an indoor enclosure with no attached outdoor 562  
enclosure, but with an exercise period in an outdoor enclosure 563  
that is provided at least two hours each day, provided that not 564  
more than three dogs are kept or confined in the indoor or outdoor 565  
enclosure at any one time. For dogs that weigh less than twenty 566  
pounds, the indoor enclosure shall be at least four feet by four 567  
feet, and outdoor exercise shall take place in an enclosed area 568  
that is at least ten feet by ten feet. For dogs that weigh at 569  
least twenty pounds, but less than fifty-one pounds, the indoor 570  
enclosure shall be at least four feet by six feet, and outdoor 571  
exercise shall take place in an enclosed area that is at least 572  
twenty feet by twenty feet. For dogs that weigh fifty-one pounds 573  
or more, the indoor enclosure shall be at least four feet by eight 574  
feet, and outdoor exercise shall take place in an enclosed area 575

that is at least forty feet by forty feet. 576

For purposes of complying with division (A)(2) of this 577  
section, an indoor enclosure may be utilized for exercise when 578  
weather does not permit access to an outdoor enclosure. However, 579  
the indoor exercise enclosure shall comply with the size 580  
requirements that are established in this division for outdoor 581  
enclosures that are used for exercise. In addition, exercise is 582  
not required for a dog that has an illness and for which exercise 583  
would be detrimental to recovering from the illness. In addition, 584  
for purposes of complying with division (A)(2) of this section, 585  
enclosures may be stacked on top of one another, but there shall 586  
be a nonporous barrier separating the floor and ceiling of stacked 587  
enclosures. 588

(B) Keep or confine dogs in an enclosure, crate, or cage that 589  
are incompatible based on observation; 590

(C) Keep or confine more than three adult dogs in one 591  
enclosure, crate, or cage; 592

(D) Keep or confine a female dog in heat in the same 593  
enclosure, crate, or cage with a sexually mature male dog except 594  
for the time period that is necessary for breeding the female dog; 595

(E) Keep or confine a female dog that is nursing in an 596  
enclosure, crate, or cage with another adult dog; 597

(F) Keep or confine a dog in an enclosure, crate, or cage 598  
without access to either natural or artificial light during 599  
daytime hours; 600

(G) Keep or confine a dog in an enclosure, crate, or cage 601  
outdoors unless the dog has access at all times to a dry insulated 602  
indoor shelter or dog house with clean straw or other nontoxic 603  
insulating material in an amount that is sufficient to permit the 604  
dog to burrow under the straw or material while at the same time 605  
using the straw or material as bedding; 606

(H) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected to accumulate in a normal twenty-four-hour period or, if the dog is a female dog with a litter, in a normal twelve-hour period; 607  
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(I) Keep or confine a dog in an enclosure, crate, or cage without access to clean unfrozen water at all times unless the dog is being used for hunting or sledding, in which case access to clean unfrozen water shall be provided not less than one time per eight-hour period. Water shall be provided to a dog in an open bowl or container that is not a drip bottle or limited intake mechanism. 611  
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(J) Keep or confine a dog in an enclosure, crate, or cage without access to adequate and wholesome food on a daily basis so as to ensure a proper and healthy weight unless medically contraindicated; 618  
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(K) Keep or confine a dog in an enclosure, crate, or cage with flooring material that is incapable of being cleaned or sanitized or that is likely to cause injury to the pads of a dog's feet; 622  
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(L) Keep or confine a dog in an enclosure, crate, or cage without providing a solid, nonporous surface, free from moisture or feces, that comprises at least fifty per cent of the floor of the enclosure, crate, or cage. The solid surface may include soft bedding. Female dogs with litters and puppies twelve weeks of age or less shall be housed in an enclosure, crate, or cage with a solid, nonporous surface, free from moisture or feces, that comprises one hundred per cent of the floor of the enclosure, crate, or cage. Nonporous surfaces shall not be made of metal. 626  
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(M) Keep or confine a dog in an enclosure, crate, or cage in unsanitary conditions; 635  
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(N) Keep or confine a dog in an enclosure, crate, or cage 637

that is in contact with or in the immediate vicinity of any animal 638  
with a diagnosed or suspected disease that is contagious to dogs; 639

(O) Keep or confine a dog in an enclosure, crate, or cage 640  
without adequate ventilation; 641

(P) Keep or confine a dog in an enclosure, crate, or cage 642  
without providing shelter from the elements; 643

(Q) Keep or confine a dog in an outdoor run or kennel where 644  
shade is not provided during the months of May through September. 645  
The shade so provided shall provide a reduction of temperature of 646  
at least five degrees from nonshaded areas. 647

(R) Keep or confine a dog in an indoor enclosure, crate, or 648  
cage where the temperature is below fifty degrees fahrenheit or 649  
over ninety degrees fahrenheit; 650

(S) Fail to equip a kennel with a smoke alarm and provide a 651  
means of fire suppression such as a sprinkler system or fire 652  
extinguishers in all kennel housing units; 653

(T) Fail to keep the area around a kennel in good repair, 654  
clean, and free from accumulations of junk, waste products, and 655  
discarded materials to protect dogs from injury and to prevent 656  
infestation by rodents or other pests. Weeds, grasses, bushes, and 657  
trees shall be controlled at the property on which a kennel is 658  
located to allow for effective pest control and to protect the 659  
health and safety of the dogs that are housed at the kennel. 660

(U) Fail to provide a dog with at least two hours per day of 661  
interaction with other dogs, provided that the dog is not sick and 662  
does not present a risk of illness to other dogs; 663

(V) Fail to sanitize food and water receptacles at least 664  
every two weeks or more often if necessary to prevent an 665  
accumulation of dirt, debris, food waste, excreta, and other 666  
disease hazards; 667

<u>(W) Fail to provide a dog with appropriate veterinary care</u>	668
<u>and treatment for any disease, illness, or injury;</u>	669
<u>(X) Fail to provide a breeding dog with a clean whelping box</u>	670
<u>when needed;</u>	671
<u>(Y) Fail to trim an adult dog's nails so that there is</u>	672
<u>curling or an impairment of the dog's gait;</u>	673
<u>(Z) Fail to provide regular care to a dog to prevent matting</u>	674
<u>of fur from fecal matter or bodily fluids;</u>	675
<u>(AA) Fail to provide a dog with appropriate protection from</u>	676
<u>fleas, ticks, biting insects, and stinging insects or treatment</u>	677
<u>for worms if the dog is so afflicted;</u>	678
<u>(BB) Fail to provide an adult dog with appropriate</u>	679
<u>vaccinations as determined by the dog's veterinarian;</u>	680
<u>(CC) Fail to provide each puppy that is three months of age</u>	681
<u>or older with appropriate phase-in booster vaccines if determined</u>	682
<u>necessary by the puppy's veterinarian;</u>	683
<u>(DD) Fail to provide heartworm preventative to a breeding dog</u>	684
<u>as determined by the dog's veterinarian;</u>	685
<u>(EE) Fail to ensure that a dog in the person's possession or</u>	686
<u>control requiring euthanization is euthanized by a veterinarian or</u>	687
<u>a person under the direct supervision of a veterinarian;</u>	688
<u>(FF) Fail to ensure that a dog that is being euthanized is</u>	689
<u>not left unattended between the commencement of the process and</u>	690
<u>death;</u>	691
<u>(GG) Beat or brutalize a dog within the person's custody or</u>	692
<u>control;</u>	693
<u>(HH) Fail to provide all dogs in a kennel with a manual</u>	694
<u>physical inspection at least once each week;</u>	695
<u>(II) Breed a dog that is less than eighteen months of age or</u>	696

more than nine years of age or breed a female dog without a 697  
certificate from a licensed veterinarian that the female dog is in 698  
proper health for breeding; 699

(JJ) Permit a dog to have more than one litter per calendar 700  
year; 701

(KK) Dock a dog's tail, crop a dog's ear, remove a dog's 702  
claws, or debark a dog. Tail docking, ear cropping, the removal of 703  
a dog's claws, or debarking shall only be conducted by a licensed 704  
veterinarian. 705

(LL) Fail to prepare and implement a plan for the disposal of 706  
waste that is generated by dogs at the kennel; 707

(MM) Keep a dog in an enclosure, crate, or cage that includes 708  
exposed metal caging without a protective plastic or rubber 709  
coating. 710

Divisions (A), (F), (G), (I), (J), (L), and (P) of this 711  
section do not apply during the temporary transportation of a dog 712  
from one location to another location. 713

**Sec. 956.081.** (A) On and after the effective date of this 714  
section, no person shall sell a dog at a flea market, market day, 715  
garage sale, conference, or other public place other than at a pet 716  
store that is licensed under this chapter as a regulated dog 717  
intermediary. This division does not prohibit the sale of dogs by 718  
a licensed regulated dog breeding kennel or licensed regulated dog 719  
intermediary at the location that is listed as the address of the 720  
kennel or intermediary on the applicable license application 721  
submitted by or on behalf of the kennel or intermediary. 722

(B) On and after two hundred seventy days after the effective 723  
date of this section, no person shall sell a dog at an auction or 724  
conduct an auction for the purpose of selling dogs. However, no 725  
out-of-state resident shall sell a dog at an auction conducted in 726

this state on and after the effective date of this section. 727

(C) This section does not apply to adoption events that are 728  
held by an animal rescue for dogs or an animal shelter for dogs. 729

**Sec. 956.09.** The director of the kennel control authority 730  
shall appoint kennel control enforcement inspectors for the 731  
purpose of enforcing the requirements and standards established by 732  
this chapter and rules adopted under it and to act as authorized 733  
agents of the authority. Inspectors shall serve at the pleasure of 734  
the director and shall be employees of the kennel control 735  
authority. Inspectors may issue citations and orders that are 736  
necessary to enforce this chapter and rules adopted under it. The 737  
director shall provide each kennel control enforcement inspector 738  
with an identifying badge and an official uniform. A kennel 739  
control enforcement inspector shall have training in animal 740  
husbandry, kennel management, record keeping, and first aid. 741  
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**Sec. 956.10.** (A) At least once biennially, the director of 743  
the kennel control authority or the director's authorized 744  
representative shall inspect a regulated dog breeding kennel that 745  
is subject to licensure under this chapter and rules adopted under 746  
section 956.03 of the Revised Code to ensure compliance with this 747  
chapter and rules adopted under it, including, but not limited to, 748  
the standards of care established in section 956.08 of the Revised 749  
Code. In addition, upon a complaint, the director may inspect an 750  
animal rescue for dogs to ensure compliance with this chapter and 751  
rules adopted under section 956.03 of the Revised Code, including, 752  
but not limited to, the standards of care established in section 753  
956.08 of the Revised Code. Inspections shall be conducted without 754  
prior notification to the licensee or persons associated with the 755  
licensee. In addition, upon the request of a member of the public, 756  
a public official, an animal rescue for dogs, or an animal shelter 757

for dogs, the director or the director's authorized representative shall inspect any facility at which a person is acting as or performing the functions of a regulated dog intermediary to ensure such compliance.

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The director or the director's authorized representative shall inspect a boarding kennel when the director or the director's authorized representative has received information that the boarding kennel is breeding dogs and is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code.

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Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the inspector who is responsible for the inspection in accordance with those rules.

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(B) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the environmental division of the Franklin county municipal court for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. A judge of that court may issue such a warrant.

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(C) No owner or operator of a regulated dog breeding kennel, person acting as or performing the functions of a regulated dog intermediary, owner or operator of an animal rescue for dogs, or owner or operator of a boarding kennel shall interfere with an inspection or refuse to allow an inspector full access to all

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areas where dogs are kept or cared for. If entry is refused or 790  
inspection or investigation is refused, hindered, or thwarted by a 791  
regulated dog breeding kennel, regulated dog intermediary, or 792  
animal rescue for dogs the director may suspend or revoke the 793  
kennel's, intermediary's, or rescue's license in accordance with 794  
this chapter. 795

(D) If entry that is authorized by division (B) of this 796  
section is refused or if an inspection or investigation is 797  
refused, hindered, or thwarted by intimidation or otherwise and if 798  
the director, an authorized representative of the director, or the 799  
attorney general applies for and obtains a court order or a search 800  
warrant under division (B) of this section to conduct the 801  
inspection or investigation, the owner or operator of the premises 802  
where entry was refused or inspection or investigation was 803  
refused, hindered, or thwarted is liable to the director for the 804  
reasonable costs incurred by the director for the regular salaries 805  
and fringe benefit costs of personnel assigned to conduct the 806  
inspection or investigation from the time the entry, inspection, 807  
or investigation was refused, hindered, or thwarted until the 808  
court order or search warrant is executed; for the salary, fringe 809  
benefits, and travel expenses of the director, an authorized 810  
representative of the director, or the attorney general incurred 811  
in obtaining the court order or search warrant; and for expenses 812  
necessarily incurred for the assistance of local law enforcement 813  
officers in executing the court order or search warrant. In the 814  
application for a court order or a search warrant, the director, 815  
the director's authorized representative, or the attorney general 816  
may request and the environmental division of the Franklin county 817  
municipal court, in its order granting the court order or search 818  
warrant, may order the owner or operator of the premises to 819  
reimburse the director for any of those costs that the court finds 820  
reasonable. From money recovered under this division, the director 821  
shall reimburse the attorney general for the costs incurred by the 822

attorney general in connection with proceedings for obtaining the 823  
court order or search warrant, shall reimburse the political 824  
subdivision in which the premises is located for the assistance of 825  
its law enforcement officers in executing the court order or 826  
search warrant, and shall deposit the remainder in the state 827  
treasury to the credit of the regulated dog breeding kennel 828  
control license fund created in section 956.17 of the Revised 829  
Code. 830

(E) A dog warden appointed under Chapter 955. of the Revised 831  
Code or an agent of a humane society established under Chapter 832  
1717. of the Revised Code entering on public or private property 833  
to make investigations and inspections in accordance with Chapter 834  
955. or 1717. of the Revised Code, as applicable, shall report any 835  
violations of this chapter and rules adopted under it to the 836  
director or a kennel control enforcement inspector and may examine 837  
and copy any records that are required to be maintained under 838  
rules adopted under this chapter. 839

**Sec. 956.11.** (A) The director of the kennel control authority 840  
or the director's authorized representative may impound a dog if 841  
the director or the director's authorized representative has 842  
probable cause to believe that the dog is being kept by a 843  
regulated dog breeding kennel, regulated dog intermediary, or 844  
animal rescue for dogs in a manner that materially violates this 845  
chapter or rules adopted under it and if the dog's health or 846  
safety appears to be in imminent danger. 847

(B) The director or the director's authorized representative 848  
shall give written notice of the impoundment by posting a notice 849  
on the door of the premises from which the dog was taken or by 850  
otherwise posting the notice in a conspicuous place at the 851  
premises from which the dog was taken. The notice shall provide a 852  
date for an adjudication hearing, which shall take place not later 853

than five business days after the dog is taken and at which the 854  
director shall determine if the dog should be permanently 855  
relinquished to the custody of the kennel control authority. 856

(C) The owner or operator of the applicable regulated dog 858  
breeding kennel, the person acting as or performing the functions 859  
of a regulated dog intermediary, or the owner or operator of the 860  
applicable animal rescue for dogs may appeal the determination 861  
made at the adjudication hearing in accordance with section 119.12 862  
of the Revised Code, except that the appeal may only be made to 863  
the environmental division of the Franklin county municipal court. 864  
If a dog has been impounded and the owner or operator of the 865  
applicable regulated dog breeding kennel, the person acting as or 866  
performing the functions of a regulated dog intermediary, or the 867  
owner or operator of the applicable animal rescue for dogs appeals 868  
the determination made at an adjudication hearing, that person 869  
shall file an appeal bond that is sufficient to cover the costs of 870  
keeping, housing, and maintaining the dog in a manner and amount 871  
to be determined by the environmental division of the Franklin 872  
county municipal court. 873

(D) The director may enter into contracts or agreements with 874  
an animal rescue for dogs, an animal shelter for dogs, a boarding 875  
kennel, a veterinarian, a dog warden appointed under Chapter 955. 876  
of the Revised Code, or a humane society established under Chapter 877  
1717. of the Revised Code for the purpose of keeping, housing, and 878  
maintaining dogs that are impounded under this section. If, after 879  
the final disposition of an adjudication hearing and any appeals 880  
from that adjudication hearing, it is determined that a dog shall 881  
be permanently relinquished to the custody of the kennel control 882  
authority, the dog may be adopted directly from the animal rescue 883  
for dogs, animal shelter for dogs, boarding kennel, veterinarian, 884  
dog warden, or humane society where it is being kept, housed, and 885

maintained, provided that the dog has been spayed or neutered 886  
unless there are medical reasons against spaying or neutering as 887  
determined by a veterinarian. The animal rescue for dogs, animal 888  
shelter for dogs, boarding kennel, veterinarian, dog warden, or 889  
humane society may charge a reasonable adoption fee. The fee shall 890  
be at least sufficient to cover the costs of spaying or neutering 891  
the dog unless it is medically contraindicated. 892

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**Sec. 956.12.** If the director of the kennel control authority 894  
or the director's authorized representative determines that a 895  
person has violated, is violating, or is threatening to violate 896  
this chapter or rules adopted under it, the director may issue and 897  
cause to be served by certified mail or personal service a 898  
citation of violation and an order requiring the person to cease 899  
the acts or practices appearing to the director or the director's 900  
authorized representative to constitute a violation of this 901  
chapter or rules adopted under it or requiring the person to take 902  
corrective actions to eliminate the conditions appearing to the 903  
director or the director's authorized representative to constitute 904  
a violation of this chapter and rules adopted under it. The order 905  
shall state specifically the provision or provisions of this 906  
chapter or the rule or rules adopted under this chapter that 907  
appear to the director or the director's authorized representative 908  
to have been violated or threatened to be violated and the facts 909  
constituting the violation or threatened violation, the actions 910  
that the person must take to correct the deficiencies, and the 911  
time period within which the person must correct the violations. 912

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**Sec. 956.13.** (A) The director of the kennel control authority 914  
may assess a civil penalty against a person violating this chapter 915  
or rules adopted under it if all of the following occur: 916

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(1) The person has received an order and been notified of the violation by certified mail as required in section 956.12 of the Revised Code.

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(2) After the time period for correcting the violation specified in the order has elapsed, the director or the director's authorized representative has inspected the premises where the violation has occurred and determined that the violation has not been corrected, and the director has issued a notice of an adjudication hearing pursuant to division (A)(3) of this section.

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(3) The director affords the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the person is not in compliance with this chapter or rules adopted under it, the imposition of the civil penalty, or both. A person may waive the opportunity for an adjudication hearing.

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(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation of this chapter or a rule adopted under it has occurred or is occurring, the director may assess a civil penalty. The civil penalty may be appealed in accordance with section 119.12 of the Revised Code, except that the civil penalty may only be appealed to the environmental division of the Franklin county municipal court.

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(C) Civil penalties shall be assessed in the following amounts:

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(1) A person who has violated division (A)(1) of section 956.04, division (A)(1) of section 956.05, or division (A) of section 956.06 of the Revised Code shall pay a civil penalty in an amount that is equal to two times the amount of the license fee

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that should have been paid by the person under section 956.07 of 948  
the Revised Code. 949

(2) A person who has violated division (H) of section 956.04, 950  
division (D) of section 956.05, or division (B) of section 956.06 951  
of the Revised Code shall pay a civil penalty of not more than 952  
fifteen thousand dollars. 953

(3) A person who has violated any other provision of this 954  
chapter or rules adopted under it, including, but not limited to, 955  
the standards of care established in section 956.08 of the Revised 956  
Code, shall pay a civil penalty of twenty-five dollars. 957

Each day that a violation continues constitutes a separate 958  
violation. 959

**Sec. 956.14.** The attorney general, upon the request of the 960  
director of the kennel control authority, may bring an action for 961  
injunction against a person who has violated, is violating, or is 962  
threatening to violate this chapter, rules adopted under it, or an 963  
order issued under section 956.12 of the Revised Code. An action 964  
for injunction shall be filed in the environmental division of the 965  
Franklin county municipal court, which shall have exclusive 966  
jurisdiction to grant preliminary and permanent injunctive relief 967  
under this chapter. The environmental division of the Franklin 968  
county municipal court shall grant such injunctive relief upon a 969  
showing that the person against whom the action is brought has 970  
violated, is violating, or is threatening to violate this chapter, 971  
rules adopted under it, or an order issued under it. The court 972  
shall give precedence to such an action over all other cases. 973

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**Sec. 956.15.** (A) The director of the kennel control authority 975  
shall deny an application for a license that is submitted under 976  
section 956.04, 956.05, or 956.06 of the Revised Code for any of 977

the following reasons: 978

(1) The applicant for the license has violated any provision of this chapter or a rule adopted under it. 979  
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(2) The applicant has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government. 981  
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(3) The director determines that the applicant for the license does not have the expertise or capacity to comply with this chapter or rules adopted under it. 989  
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(B) The director may suspend or revoke a license issued under this chapter for violation of any provision of this chapter or a rule adopted or order issued under it. 992  
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(C) An application or a license shall not be denied, suspended, or revoked under this section without a written order of the director stating the findings on which the denial, suspension, or revocation is based. A copy of the order shall be sent to the applicant or license holder by certified mail or may be provided to the applicant or license holder by personal service. In addition, the person to whom a denial, suspension, or revocation applies may request an adjudication hearing under Chapter 119. of the Revised Code. The director shall comply with such a request. The determination of the director at an adjudication hearing may be appealed in accordance with section 119.12 of the Revised Code, except that the determination may be appealed only to the environmental division of the Franklin county municipal court. 995  
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Sec. 956.16. The director of the kennel control authority, 1009  
the director's authorized representative, or the attorney general 1010  
may require the attendance of witnesses and the production of 1011  
books, records, papers, and dogs that are needed either by the 1012  
director or the attorney general or by any party to a hearing 1013  
before the director and for that purpose may issue a subpoena for 1014  
any witness or a subpoena duces tecum to compel the production of 1015  
any books, records, papers, or dogs. The subpoena shall be served 1016  
by personal service or by certified mail. If the subpoena is 1017  
returned because of inability to deliver, or if no return is 1018  
received within thirty days after the date of mailing, the 1019  
subpoena may be served by ordinary mail. If no return of ordinary 1020  
mail is received within thirty days after the date of mailing, 1021  
service shall be deemed to have been made. If the subpoena is 1022  
returned because of inability to deliver, the director or the 1023  
attorney general may designate a person or persons to effect 1024  
either personal or residence service on the witness. The person 1025  
designated to effect personal or residence service under this 1026  
section may be the sheriff of the county in which the witness 1027  
resides or may be found or any other duly designated person. The 1028  
fees and mileage of the person serving the subpoena shall be the 1029  
same as those allowed by the courts of common pleas in criminal 1030  
cases and shall be paid from the funds of the authority. Fees and 1031  
mileage for the witness shall be the same as those allowed for 1032  
witnesses by the courts of common pleas in criminal cases and 1033  
shall be paid from the funds of the authority upon request of the 1034  
witness following the hearing. 1035

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Sec. 956.17. All money collected by the director of the 1037  
kennel control authority from license and registration fees under 1038  
sections 956.07 and 956.20 of the Revised Code and all money 1039

collected from civil penalties assessed under section 956.13 of 1040  
the Revised Code shall be deposited in the state treasury to the 1041  
credit of the regulated dog breeding kennel control license fund, 1042  
which is hereby created. The director shall use money in the fund 1043  
for the purpose of administering this chapter and rules adopted 1044  
under it. 1045

Sec. 956.18. (A) There is hereby created the kennel control 1046  
authority board consisting of one member of the senate appointed 1047  
by the president of the senate, one member of the house of 1048  
representatives appointed by the speaker of the house of 1049  
representatives, and the following seven members appointed by the 1050  
governor: 1051

(1) Two members representing animal care and welfare 1052  
organizations in this state; 1053

(2) One member who is a county dog warden; 1054

(3) One member who is a veterinarian; 1055

(4) One member representing pet stores in this state that are 1056  
licensed under this chapter as regulated dog breeding kennels or 1057  
regulated dog breeding intermediaries; 1058

(5) One member who is a member in good standing of a national 1059  
breed parent club of the American kennel club; 1060

(6) One member representing the public. 1061

Initial appointments to the board shall be made not later 1062  
than sixty days after the effective date of this section. Terms of 1063  
office of the members appointed by the president of the senate and 1064  
the speaker of the house of representatives shall coincide with 1065  
their terms of office as members of the senate and the house of 1066  
representatives, as applicable. Of the initial appointments made 1067  
by the governor, two shall be for one-year terms, two shall be for 1068  
two-year terms, and three shall be for three-year terms. 1069

Thereafter, terms of office of members appointed by the governor shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for the original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(B) The governor shall select a chairperson from among the board's members. A majority of the members of the board constitutes a quorum. The board shall meet at least four times a year in Columbus or at other locations selected by the chairperson. The chairperson shall determine the agenda for each meeting of the board. However, if the member appointed by the president of the senate and the member appointed by the speaker of the house of representatives jointly request in writing that an item be placed on the agenda for a meeting of the board, the chairperson shall place the item on the agenda at the board's next regularly scheduled meeting occurring more than ten days after the request has been made.

Members of the board shall serve without compensation for attending board meetings. Members of the board shall be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board.

(C) The board shall provide oversight and evaluation of the administration of this chapter and rules adopted under it, including the operation of the kennel control authority created in

section 956.02 of the Revised Code. The oversight and evaluation 1102  
may include, but not be limited to, a determination of whether 1103  
this chapter and rules adopted under it and the operation of the 1104  
authority have resulted in the prevention of cruelty to and abuse 1105  
of dogs and an evaluation of the sanctions imposed on violators of 1106  
this chapter and rules adopted under it. In addition, the board 1107  
may make recommendations to the director of the kennel control 1108  
authority for changes to the administration of this chapter and 1109  
rules adopted under it and to the general assembly for changes to 1110  
this chapter that the board considers necessary for the effective 1111  
enforcement of this chapter and rules adopted under it. The board 1112  
may inspect records kept by the kennel control authority and may 1113  
interview kennel control enforcement inspectors. The board, by the 1114  
thirty-first day of December each year, shall issue a report of 1115  
its findings and submit it to the authority, the president of the 1116  
senate, and the speaker of the house of representatives. 1117

**Sec. 956.19.** (A) In accordance with rules adopted under 1119  
section 956.03 of the Revised Code, at the time of the sale of a 1120  
dog, a pet store shall provide the buyer of the dog with either of 1121  
the following: 1122

(1) A certificate of medical health that has been completed 1123  
and attested to by a veterinarian and that states that the 1124  
veterinarian has examined the dog and has not found evidence of 1125  
disease, illness, or injury at the time of the examination; 1126

(2) A money-back guarantee that is valid for not less than 1127  
twenty-one days after the date of purchase of the dog. The 1128  
guarantee shall authorize the purchaser of the dog to receive the 1129  
purchase price of the dog from the pet store within that 1130  
twenty-one-day period if the purchaser presents a statement to the 1131  
pet store from a veterinarian who has examined the dog within 1132

fourteen days of the purchase of the dog that the dog has a 1133  
significant disease, illness, or injury that was in existence at 1134  
the time of the purchase of the dog. 1135

(B) A pet store shall post written notice of the pet store's 1136  
responsibility under this section in a conspicuous location near 1137  
the pet store's cash register. The written notice shall be posted 1138  
in accordance with rules and shall be in prominent and easily read 1139  
type that is not less than eighteen-point type. 1140

(C) At a time prior to the sale of a dog, a pet store shall 1141  
provide the name, complete address, and telephone number of the 1142  
breeder that bred the dog, the regulated dog breeding kennel where 1143  
the dog was kept, housed, and maintained, and the regulated dog 1144  
intermediary from whom the pet store acquired the dog, as 1145  
applicable. The pet store also shall provide the telephone number 1146  
and the address of the kennel control authority. 1147

(D) No pet store shall fail to comply with this section. 1148

(E) A pet store that fails to comply with division (A)(1) of 1149  
this section with respect to the sale of a dog or a pet store that 1150  
fails to refund the purchase price of a dog in accordance with 1151  
division (A)(2) of this section is liable to the purchaser of the 1152  
dog for an amount that is equal to the actual damages incurred by 1153  
the purchaser within one year after the date of the purchase of 1154  
the dog, except that veterinary expenses are limited to not more 1155  
than five hundred dollars. The pet store also is liable for any 1156  
attorney's fees and costs incurred by the purchaser. In addition, 1157  
the buyer of the dog may keep the dog. 1158

(F) The director of the kennel control authority or the 1159  
director's authorized representative shall enforce this section. 1160  
Kennel control enforcement inspectors may make inspections of pet 1161  
stores for the purpose of enforcing this section. 1162

Sec. 956.20. No regulated dog breeding kennel shall sell or otherwise transfer a puppy that is less than ninety days old without registering the litter in which the puppy was born with the director of the kennel control authority in accordance with rules adopted under section 956.03 of the Revised Code and paying a registration fee of twenty-five dollars per litter. This section does not apply to an animal rescue for dogs or an animal shelter for dogs.

Sec. 956.98. No person shall violate this chapter or a rule adopted or order issued under it.

Sec. 956.99. Whoever violates section 956.98 of the Revised Code is guilty of a misdemeanor of the first degree.

**Sec. 1901.183.** In addition to jurisdiction otherwise granted in this chapter, the environmental division of a municipal court shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(A) Notwithstanding any monetary limitations in section 1901.17 of the Revised Code, in all actions and proceedings for the sale of real or personal property under lien of a judgment of the environmental division of the municipal court, or a lien for machinery, material, fuel furnished, or labor performed, irrespective of amount, and, in those cases, the environmental division may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party;

(B) When in aid of execution of a judgment of the environmental division of the municipal court, in all actions for the foreclosure of a mortgage on real property given to secure the

payment of money, or the enforcement of a specific lien for money 1192  
or other encumbrance or charge on real property, when the real 1193  
property is situated within the territory, and, in those cases, 1194  
the environmental division may proceed to foreclose all liens and 1195  
all vested and contingent rights and proceed to render judgments, 1196  
and make findings and orders, between the parties, in the same 1197  
manner and to the same extent as in similar cases in the court of 1198  
common pleas; 1199

(C) When in aid of execution of a judgment of the 1200  
environmental division of the municipal court, in all actions for 1201  
the recovery of real property situated within the territory to the 1202  
same extent as courts of common pleas have jurisdiction; 1203

(D) In all actions for injunction to prevent or terminate 1204  
violations of the ordinances and regulations of any municipal 1205  
corporation within its territory enacted or promulgated under the 1206  
police power of that municipal corporation pursuant to Section 3 1207  
of Article XVIII, Ohio Constitution, over which the court of 1208  
common pleas has or may have jurisdiction, and, in those cases, 1209  
the environmental division of the municipal court may proceed to 1210  
render judgments, and make findings and orders, in the same manner 1211  
and to the same extent as in similar cases in the court of common 1212  
pleas; 1213

(E) In all actions for injunction to prevent or terminate 1214  
violations of the resolutions and regulations of any political 1215  
subdivision within its territory enacted or promulgated under the 1216  
power of that political subdivision pursuant to Article X of the 1217  
Ohio Constitution, over which the court of common pleas has or may 1218  
have jurisdiction, and, in those cases, the environmental division 1219  
of the municipal court may proceed to render judgments, and make 1220  
findings and orders, in the same manner and to the same extent as 1221  
in similar cases in the court of common pleas; 1222

(F) In any civil action to enforce any provision of Chapter 1223

3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 1224  
over which the court of common pleas has or may have jurisdiction, 1225  
and, in those actions, the environmental division of the municipal 1226  
court may proceed to render judgments, and make findings and 1227  
orders, in the same manner and to the same extent as in similar 1228  
actions in the court of common pleas; 1229

(G) In all actions and proceedings in the nature of 1230  
creditors' bills, and in aid of execution to subject the interests 1231  
of a judgment debtor in real or personal property to the payment 1232  
of a judgment of the division, and, in those actions and 1233  
proceedings, the environmental division may proceed to marshal and 1234  
foreclose all liens on the property irrespective of the amount of 1235  
the lien, and all vested or contingent rights in the property; 1236

(H) Concurrent jurisdiction with the court of common pleas of 1237  
all criminal actions or proceedings related to the pollution of 1238  
the air, ground, or water within the territory of the 1239  
environmental division of the municipal court, for which a 1240  
sentence of death cannot be imposed under Chapter 2903. of the 1241  
Revised Code; 1242

(I) In any review or appeal of any final order of any 1243  
administrative officer, agency, board, department, tribunal, 1244  
commission, or other instrumentality that relates to a local 1245  
building, housing, air pollution, sanitation, health, fire, 1246  
zoning, or safety code, ordinance, or regulation, in the same 1247  
manner and to the same extent as in similar appeals in the court 1248  
of common pleas; 1249

(J) With respect to the environmental division of the 1250  
Franklin county municipal court, in any civil action to enforce a 1251  
provision of Chapter 956. of the Revised Code and to hear appeals 1252  
from an adjudication hearing conducted under that chapter. 1253

**Section 2.** That existing sections 955.02, 955.10, 955.12, 1254

955.20, 955.26, and 1901.183 of the Revised Code are hereby 1255  
repealed. 1256

**Section 3.** It is the intent of the General Assembly to 1257  
appropriate money to the Regulated Dog Breeding Kennel Control 1258  
License Fund created in section 956.17 of the Revised Code to 1259  
enable the Kennel Control Authority created in section 956.02 of 1260  
the Revised Code to begin administering Chapter 956. of the 1261  
Revised Code and rules adopted under it. 1262